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Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVI] Trivandrum, Wednesday, 18th March 1981 / 27th Phalguna 1902 [No. 215

GOVERNMENT OF KERALA

Industries (K) Department

NOTIFICATION

No. 5088/K3/81/ID. *Dated, Trivandrum, 18th March,* 1981.

S. R. O. No. 338/81.—In exercise of the powers conferred by sub-section (1) of section 34 of the Kerala Raw Cashewnuts (Procurement and Distribution) Ordinance, 1981 (Ordinance No. 1 of 1981), the Government of Kerala hereby make the following rules, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Raw Cashewnuts (Procurement and Distribution) Rules, 1981.

(2) They shall come into force at once.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(a) 'Form' means form appended to these rules;

(b) 'Ordinance' means the Kerala Raw Cashewnuts (Procurement and Distribution) Ordinance, 1981 (Ordinance No. I of 1981);

(c) "Section" means section of the Ordinance.

3. *Allotment of raw cashewnuts.*—(1) An order under sub-section (3) of section 11 specifying the quantity of raw cashewnuts to be sold to a cashew factory shall be in Form No. I.

(2) A notice under sub-section (5) of section 11 shall be in Form No. II.

4. *Application for grant of permit.*—An application for the grant of permit under sub-section (1) of section 16 shall be in Form No. III.

5. *Permit for transport of raw cashewnuts.*—A permit for the transport of raw cashewnuts under sub-section (2) of section 16 shall be in Form No. IV.

FORM No. I

ORDER

[*See* section 11 (3) and rule 3 (1)]

Under sub-section (3) of section 11 of the Kerala Raw Cashewnuts (Procurement and Distribution) Ordinance, 1981, the following allotment of dried raw cashewnuts is made subject to the conditions specified below:—

Name of the occupier of factory	*Factory No.*	*Quantity (M.T.)*	*Price M.T.*	*Place at which delivery is to be taken*

Place:

Date: Signature name and designation of the Officer, authorised under section 11(3).

(Office Seal)

The quantity indicated above are sold under the following terms and conditions:—

1. The quality standards are that the percentage of defective including void, damaged and 50% of spotted and immature do not exceed 10%
2. Delivered quantity as certified by the concerned Yard Superintendent is final.
3. Quality claims, if any admitted by the Zonal Officer, Kerala State Co-operative Marketing Federation Limited will be passed on to the allottee.
4. For purpose of quality claims, the certificate of quality issued by the concerned Zonal Officer and ascertained on the basis of cutting tests at the yard and as admitted by the Zonal Officer will be payable to the allottee.

5. Acceptance of allotment on pick and choose basis is not permissible.
6. Refusal of any particular quantity will be treated as refusal of all the quantities covered by this allotment order.
7. Payment is to be effected at the Quilon District Cooperative Bank by Demand Draft payable at Quilon/irrevocable letter of credit.
8. Declaration in Form No. 25, under the Kerala General Sales Tax Act may be submitted to the Bank at the time of remittance of the amount.

FORM No. II

NOTICE

[*See* section 11 (5) and rule 3 (2)]

Please take notice that as per the allotment order No.................... dated......................a quantity of .... raw cashewnuts have been allotted to be sold to you from............... ....Yard of the Kerala State Co-operative Marketing Federation Limited at.................... ....You are requested to take delivery thereof within 7 days from the date of receipt of this notice, failing which the said allotment order shall stand cancelled as per section 12 of the Kerala Raw Cashewnuts (Procurement and Distribution) Ordinance, 1981.

Place:

Date:

Signature, Name and Designation of the Officer authorised under section 11(3).

To

....

Occupier of Cashew Factory

No...

....

FORM No. III

THE KERALA RAW CASHEWNUTS (PROCUREMENT AND DISTRIBUTION) ORDINANCE, 1981

[Section 16(1) and Rule 4]

Form of Application for permit for Transportation of Raw Cashewnuts

1. Name and address of the applicant:
2. Quantity to be transported:
3. Source of receipt of the above quantity:
4. Place from which to be transported:
5. Place to which to be transported:
6. Name and address of the consignee:
7. Route and mode of transportation:
8. Time required for completing transportation:
9. Purpose for which the cashewnut is transported:

DECLARATION

I,..do hereby declare that to the best of my knowledge and belief the above information is correct and complete and that I agree to abide by the condition subject to which the permit is granted. I declare that I have/I have not* previously applied for the permit/* and that a permit was refused/* granted to me on..............................

Place:

Date: Signature of the applicant.

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* Strike out whichever is inapplicable.

FORM IV

THE KERALA RAW CASHEWNUTS (PROCUREMENT AND DISTRIBUTION (ORDINANCE, 1981

[*See* section 16 (2) and rule 5]

Permit for the Transport of Raw Cashewnuts

Part—A

Permit No. Dated:

1. Name and address of the person to whom permit is granted:
2. Quantity permitted to be transported:
3. Source of receipt of raw cashewnuts including details of Allotment Order:
4. Place from which to be transported:
5. Place to which to be transported:
6. Name and address of the consignee:
7. Route and mode of transportation:
8. Date upto which permit is valid:
9. Purpose for which the cashewnut is transported:

CONDITIONS

(a) The permit is not transferable.

(b) The permit is liable to be cancelled if it is found that it was granted due to a mistake of fact or on account of any mis-representation or fraud or for any reason mentioned in section 18 of the Kerala Raw Cashewnut (Procurement and Distribution) Ordinance, 1981 and the holder shall surrender the permit to the undersigned when it is cancelled.

(c) The permit must be returned to the undersigned within two days when the purpose for which it has been issued, ceases to exist.

(d) The permit holder shall allow the permit and the cashewnuts transported under cover of the permit to be verified and inspected by any Officer authorised in this behalf at any time.

Signature of the authority granting the permit.

Part—B

(To be filled in by the Yard Superintendent at the time of departure)

1. Name of yard:
2. No. of bags and weight:
3. Vehicle number:
4. Time and date of departure:

(Seal) Signature of Yard Superintendent.

Part—C

(To be filled in by Inspecting authorities including Check posts)

Date and time of inspection	*Place of inspection*	*Remarks*	*Signature of inspecting authority with seal*

By order of the Governor,

P. M. Abraham,

Special Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

Section 34 of the Kerala Raw Cashewnuts (Procurement and Distribution) Ordinance, 1981 (Ordinance No. 1 of 1981) provides that Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of the Ordinance. Under Section 11 of the Ordinance an officer authorised by the Government, viz., the Special Officer for Cashew Industry, has to specify by order the quantity of raw cashewnuts to be sold to each cashew factory. He has also to give notice to the occupier of every cashew factory to take delivery of the raw cashewnuts within a specified period. The forms in which the above order and Notice have to be issued are proposed to be prescribed.

Under Section 16 the form of application for the grant of a permit for the transport of raw cashewnuts from one place to another place within the State and the form of the permit have to be prescribed by Government.

The notification is intended to achieve this object.

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GOVERNMENT OF KERALA

Home (C) Department

NOTIFICATION

G. O. RT. 660/81/Home. *Dated, Trivandrum, 17th March 1981.*

S. R. O. No. 337|81.—In exercise of the powers conferred by sub-section 8 of section 24 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the Government of Kerala hereby appoint Sri K. Kunhirama Menon, Advocate, Kozhikode as Special Public Prosecutor for the conduct of Prosecution in Crime 144/80 of Kuttiady Police Station.

By order of the Governor.
K. Achuthan Nair,
Deputy Secretary.

Explanatory Note

(This is not part of the notification but is intended to achieve its general purport).

Government have considered it necessary to appoint Sri K. Kunhirama Menon, Advocate as Special Public Prosecutor for the conduct of Prosecution in Crime 144/80 of Kuttiady Police Station. The notification is intended to achieve the above object.

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33/1012/MC.

Explanatory Note

Government have decided to change the existing mode of sale of Abkari Shops' by adopting the method of inviting tenders also along with the auction. It was decided that if the open bid amount and tender amount are equal, or if two or more tender amounts happen to be equal the acceptance shall be by the drawing of lots. The notification is intended to amend the Kerala Abkari Shops (Disposal in Auction) Rules, 1974 to achieve the above purpose.

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